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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,828	05/09/2006	Mark Gilmore Mears	PU030310	5255

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EXAMINER	
CHOKSHI, PINKAL R	
ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,828	MEARS ET AL.	
	Examiner	Art Unit	
	Pinkal R. Chokshi	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/23/2010 have been fully considered but they are not persuasive. Regarding claim 1, Applicant asserts that Shintani does not disclose providing options for both individual control over which inputs are scanned and which channel types are scanned and wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said signal processing apparatus are to be searched and a second option to individually select which of a plurality of types of channels are to be searched. Examiner respectfully disagrees. Combination of references were used to reject these limitations, where Shintani discloses (¶0038, ¶0051) that the user is provided with an option to select an input and a signal upon initiating the channel search as represented in Fig. 3 and Kikinis discloses (col.3, lines 36-59) that the user is provided with the GUI with a plurality of options to select to search. Shintani provides user with an option to select an input and a signal and Kikinis provides user with multiple options on the single GUI screen. Therefore, the combination of references renders obviousness of the claim. Furthermore, Examiner would like to point out that the claim language does not require searching multiple input and/or multiple signals simultaneously. The rejection is maintained.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the combination of Shintani and Kikinis does not cure the deficiencies of independent claims 1, 7, and 13, nevertheless it is the Examiner's contention that combination of Shintani and Kikinis does not contain any deficiencies. See the rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2005/0086693 A1 to Shintani et al (hereafter referenced as Shintani) in view of US Patent 7,213,256 B1 to Kikinis (hereafter referenced as Kikinis).

Regarding **claim 1,** "a method for enabling a channel search in a signal processing apparatus" reads on the method use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to "method comprising the steps of: generating a signal suitable for coupling to a display device for displaying an on-screen menu" Shintani discloses (¶0061) that the on-screen menu is presented to the user based on the request to search programs on the signal.

As to "wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said signal processing apparatus are to be searched and a second option to individually select which of a plurality of types of channels are to be searched" Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3. Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to "enabling a user to select an option for said channel search responsive to said on-screen menu" Shintani discloses (¶0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enabling a user to select a plurality of options responsive to said on-screen menu." However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 2,** "the method wherein said plurality of inputs includes a cable input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 3,** "the method wherein said plurality of types of channels includes digital modulation channels and analog modulation channels" Shintani discloses (¶0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 4,** "the method wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal received via the input.

Regarding **claim 5,** "the method wherein said plurality of options further includes a fourth option to search previously found channels" Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 6,** "the method further comprised of performing said channel search according to said plurality of options selected by said user" Shintani discloses (¶0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Regarding **claim 7,** "an apparatus for enabling a channel search" reads on the apparatus use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to "apparatus comprising: memory means for storing data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu" Shintani discloses (¶0061) that the on-screen menu is presented to the user based on the request to search programs on the signal.

As to "wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said apparatus are to be searched and a second option to individually select which of a plurality of types of channels are to be searched" Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3. Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to "processing means for enabling a user to select an option for said channel search responsive to said on-screen menu" Shintani discloses (¶0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enabling a user to select a plurality of options responsive to said on-screen menu." However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 8,** "the apparatus wherein said plurality of inputs includes a cable input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 9,** "the apparatus wherein said plurality of types of channels includes digital modulation channels and analog modulation channels" Shintani discloses (¶0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 10,** "the apparatus wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal received via the input.

Regarding **claim 11,** "the apparatus wherein said plurality of options further includes a fourth option to search previously found channels" Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to

regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 12,** "the apparatus wherein said processing means enables performance of said channel search according to said plurality of options selected by said user" Shintani discloses (¶0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Regarding **claim 13,** "a video signal processor" reads on the method use in performing a channel mapping (abstract) disclosed by Shintani and represented in Fig. 2A.

As to "processor comprising: a memory operative to store data used to generate a signal suitable for coupling to a display device for displaying an on-screen menu" Shintani discloses (¶0061) that the on-screen menu is presented to the user based on the request to search programs on the signal. Shintani further discloses (¶0046) the receiver includes a memory that stores signal received from the input as represented in Fig. 2B (element 236).

As to "wherein said plurality of options includes a first option to individually select which of a plurality of inputs to said video signal processor are to be searched and a second option to individually select which of a plurality of types of channels are to be searched" Shintani discloses (¶0038, ¶0051) that upon initiating the channel search, the user is provided with an option to select an input and a signal represented in Fig. 3.

Furthermore, Examiner would like to point out the claim language does not require to search multiple input and/or multiple signals simultaneously.

As to "a controller operative to enable a user to select an option for said channel search responsive to said on-screen menu" Shintani discloses (¶0046, ¶0061) that the user selects an input to search for channel search through on-screen menu provided to the user.

Shintani meets all the limitations of the claim except "enable a user to select a plurality of options responsive to said on-screen menu." However, Kikinis discloses (col.3, lines 36-59) that the GUI is provided with a plurality of options to select to search for a program to the user as represented in Fig. 3b. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Shintani's system by providing a plurality of options responsive to on-screen menu as taught by Kikinis in order to save time by searching for multiple user desired options at the same time and increased functionality (col.2, lines 4-5).

Regarding **claim 14,** "the video signal processor wherein said plurality of inputs includes a cable input and an antenna input" Shintani discloses (¶0044) that the receiver is connected to cable input and an antenna input.

Regarding **claim 15,** "the video signal processor wherein said plurality of types of channels includes digital modulation channels and analog modulation channels"

Shintani discloses (¶0030) that the receiver receives analog/digital signals to perform channel search.

Regarding **claim 16,** "the video signal processor wherein said plurality of options further includes a third option to detect a type of signal received via least one of said plurality of inputs" Shintani discloses (¶0038, ¶0051) that the controller determines the type signal received via the input.

Regarding **claim 17,** "the video signal processor wherein said plurality of options further includes a fourth option to search previously found channels" Shintani discloses (¶0028 and ¶0033) that the user manually input to rerun previously generated channel map to regenerate an updated channel map. Shintani further discloses (¶0067, ¶0068) that if the channel map exist, then the system retrieves it and scans it as represented in Fig. 5.

Regarding **claim 18,** "the video signal processor wherein said controller is further operative to enable performance of said channel search according to said plurality of options selected by said user" Shintani discloses (¶0052) that the search for channels is initiated based on the selected input and selected signal as represented in Fig. 3 (element 324).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinkal R. Chokshi whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal R. Chokshi/
Examiner, Art Unit 2425

/Brian T Pendleton/
Supervisory Patent Examiner, Art Unit 2425